

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 1d

RIN 0503-AA14

#### Expiration of the Special Agricultural Worker Program

**AGENCY:** Office of the Secretary, United States Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the regulations of the United States Department of Agriculture (USDA) relating to special agricultural workers (SAWs) under section 210 of the Immigration and Nationality Act (INA), as added by section 302 of the Immigration Reform and Control Act of 1986 (IRCA). Specifically, this final rule removes the USDA regulations pertaining to the SAW program as the program expired on December 1, 1988.

**EFFECTIVE DATE:** February 28, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Al French, USDA, Telephone (202) 720-4737, Internet: [alfrench@usda.gov](mailto:alfrench@usda.gov).

**SUPPLEMENTARY INFORMATION:** The INA was amended by the IRCA (8 U.S.C. 1160) to (1) control illegal immigration into the United States and (2) make limited changes in the system for legal immigration. There was concern during consideration of the IRCA that employers in seasonal agricultural services (SAS), who had come to rely on unauthorized aliens to perform field work, would be unable to obtain sufficient legal workers to satisfy their needs.

To address this concern, the IRCA added section 210 to the INA to establish a program that granted temporary resident alien status to SAWs who could demonstrate that they performed SAS for at least 90 man-days during the 12-month period ending May 1, 1986. The definition of SAS is

contained in regulations promulgated by the Secretary of Agriculture at 7 CFR Part 1d and defined the fruits, the vegetables, and the other perishable commodities in which field work related to planting, cultural practices, cultivating, growing, and harvesting would be considered SAS.

As the statutory authority for the SAW program has expired and Congress has given no indication that the program will be reauthorized, USDA believes that it is appropriate to remove the implementing regulations.

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

#### List of Subjects in 7 CFR Part 1d

Agriculture, Aliens, Immigration, Labor, Migrant workers, Rural labor.

#### PART 1d—[REMOVED]

Accordingly, under the authority of 8 U.S.C. 1160, Part 1d of title 7, subtitle A, of the Code of Federal Regulations is removed.

Done at Washington, DC, this 19th day of January, 1996.

Keith J. Collins,  
*Chief Economist.*

[FR Doc. 96-1293 Filed 1-26-96; 8:45 am]

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#### 7 CFR Part 1e

RIN 0503-AA13

#### Expiration of the Replenishment Agricultural Worker Program

**AGENCY:** Office of the Secretary, United States Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the regulations of the United States Department of Agriculture (USDA) relating to additional special agricultural workers known as replenishment agricultural workers (RAWs) under section 210A of the Immigration and Nationality Act (INA), as added by section 303 of the Immigration Reform and Control Act of 1986 (IRCA). Specifically, this final rule removes the USDA regulations pertaining to the RAW program as the program expired at the end of Fiscal Year 1993.

**EFFECTIVE DATE:** February 28, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Al French, USDA, Telephone (202) 720-4737, Internet: [alfench@usda.gov](mailto:alfench@usda.gov).

**SUPPLEMENTARY INFORMATION:** The INA was amended by the IRCA (8 U.S.C. 1161) to (1) control illegal immigration into the United States and (2) make limited changes in the system for legal immigration. There was concern during consideration of the IRCA that employers in seasonal agricultural services (SAS), who had come to rely on unauthorized aliens to perform field work, would be unable to obtain sufficient legal workers to satisfy their needs.

To address this concern, the IRCA added section 210 to the INA to establish a program that granted temporary resident alien status to special agricultural workers (SAWs) who could demonstrate that they performed SAS for at least 90 man-days during the 12-month period ending May 1, 1986. The definition of SAS is contained in regulations promulgated by the Secretary of Agriculture at 7 CFR Part 1d. The IRCA specifies that individuals admitted under this provision would not be required to continue working in agriculture, and in fact would be free to seek employment in any occupation or industry.

Because there was also concern that large numbers of SAWs would in fact leave agricultural employment, which would again cause a shortage of workers to perform SAS, the IRCA added section 210A to the INA, which provides a system for admitting additional RAWs. The number of RAWs who were to be admitted in any fiscal year (FY), beginning with FY 1990 and ending with FY 1993, was the smaller of (1) the annual numerical limitation established by formula in section 210A(b) of the INA, or (2) the shortage number determined by the Secretary of Agriculture and the Secretary of Labor (hereinafter "the Secretaries") in accordance with the formula in section 210A(a) of the INA. On January 2, 1990, USDA published in the Federal Register at 55 FR 106 a final rule that set forth the procedure to be used by the Secretaries in determining the shortage number and the annual numerical limitation. The criteria under which individuals may qualify for RAW status was established by the Immigration and